



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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November 1, 2023

**BY ECF**

Honorable Jessica G.L. Clarke  
United States District Judge  
United States Southern District Court  
500 Pearl Street  
New York, NY 10007

Re: SeanPaul Reyes v. City of New York et al.,  
23-CV-6369 (JGLB)

Your Honor,

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above-referenced action. In that capacity, I write to provide the Court with the annexed Motion to Dismiss, which was filed by Plaintiff SeanPaul Reyes' criminal attorney on September 19, 2023, in Plaintiff's criminal matter involving his June 1, 2023, arrest for similar conduct which is at issue in this case. See Defendant's Exhibit A, Motion to Dismiss and Inspect Premises, attached hereto.

As Your Honor is aware, the Court has yet to render a decision on Plaintiff's Motion for Preliminary Injunction in this case. Defendant's Opposition to the Preliminary Injunction was submitted on September 1, 2023, and on September 28, 2023, the Court conducted a hearing regarding that motion. It was not until two weeks ago that Defendants were first alerted to the filing of Plaintiff's Motion to Dismiss Brooklyn Criminal Court Docket CR-019322-23KN, wherein Plaintiff's criminal attorney advanced markedly similar arguments to those argued herein with respect to the motion for a preliminary injunction. As Your Honor is aware, Plaintiff made no mention of the criminal Motion to Dismiss at the hearing or in their preliminary injunction motion papers.

As noted above, the criminal matter referenced above is the prosecution relating to Plaintiff's June 1, 2023 arrest; as Your Honor likely recalls, on June 1, 2023, Plaintiff was arrested for conduct related to his filming in another police precinct. Upon information and belief, that criminal matter is next scheduled for November 21, 2023 in Kings County Criminal Court Part AP3. In the criminal motion to dismiss, Plaintiff advanced many of the same arguments he has

made in the instant Federal case. Specifically, Plaintiff argues: (1) that the trespass policy violates the New York City and State “Right to Record” and “Right to Monitor” Acts; (2) the trespass policy violates United States and New York State Constitutions and the fundamental principles of free society; and (3) the trespass policy violates the City Administrative Procedures Act. (See Exhibit A at page 18, 21, 26).

Accordingly, Plaintiff’s repeated arguments in his preliminary injunction papers and at the hearing in this matter that any decision in this case would not impact the above-referenced criminal matter was not forthcoming. At the time of the hearing, the motion to dismiss the criminal matter was already filed; therefore, clearly a decision made in one of these case would likely impact the other.

Defendant maintains its position that the motion for preliminary injunction should be denied and respectfully requests that the Court consider this additional evidence in rendering its decision.

Thank you for your consideration herein.

Respectfully Submitted

/s/ Gregory Musso  
Gregory Musso  
*Senior Counsel*  
New York City Law Dept.

**By ECF**  
CC: *All Attorneys of notice*